



February 23, 2007

SENATE BILL No. 135

DIGEST OF SB 135 (Updated February 21, 2007 3:26 pm - DI 104)

Citations Affected: IC 16-18; IC 16-34.

Synopsis: Abortion matters. Defines contraception and states that contraception is not subject to or governed by the abortion statutes. Provides that informed consent to an abortion includes the requirement that a physician inform a pregnant woman that there are differing medical opinions concerning when a fetus feels pain. Provides that notice must be given a pregnant woman in writing at least 18 hours before an abortion concerning the availability of adoptions, concerning physical risks to the woman in: (1) having an abortion; and (2) completing a pregnancy; and stating that an embryo formed by the fertilization of a human ovum by a human sperm immediately begins to divide and grow as human physical life.

Effective: July 1, 2007.

Miller, Steele, Mrvan

January 11, 2007, read first time and referred to Committee on Health and Provider Services.
February 22, 2007, amended, reported favorably — Do Pass.

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SB 135—LS 6758/DI 104+



February 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 135

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-69.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 69.2. "Contraception", for**
4 **purposes of IC 16-34, means the use of a drug or device that has**
5 **been approved to prevent pregnancy by the federal Food and Drug**
6 **Administration.**

7 SECTION 2. IC 16-34-1-0.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2007]: **Sec. 0.5. Contraception is not subject to or governed by**
10 **this article.**

11 SECTION 3. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2007]: Sec. 1.1. (a) An abortion shall not be performed except
14 with the voluntary and informed consent of the pregnant woman upon
15 whom the abortion is to be performed. Except in the case of a medical
16 emergency, consent to an abortion is voluntary and informed only if the
17 following conditions are met:

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(1) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined in IC 34-18-2-19) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has orally informed the pregnant woman of the following:

(A) The name of the physician performing the abortion.

(B) The nature of the proposed procedure or treatment.

(C) The risks of and alternatives to the procedure or treatment.

(D) The probable gestational age of the fetus, including an offer to provide:

(i) a picture or drawing of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(G) That there are differing medical opinions concerning when a fetus feels pain.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be orally informed of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of family and children.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

~~(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.~~

(3) At least eighteen (18) hours before the abortion, the pregnant woman will be informed in writing of the following:

(A) That adoption alternatives are available and that there are many couples who are willing and waiting to adopt a

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- 1 child.
- 2 (B) That there are physical risks to the woman in:
- 3 (i) having an abortion, both during the abortion
- 4 procedure and after; and
- 5 (ii) completing a pregnancy.
- 6 (C) That an embryo formed by the fertilization of a human
- 7 ovum by a human sperm immediately begins to divide and
- 8 grow as human physical life.
- 9 ~~(3)~~ (4) The pregnant woman certifies in writing, before the
- 10 abortion is performed, that the information required by
- 11 subdivisions (1) ~~and (2)~~ through (3) has been provided.
- 12 (b) Before an abortion is performed, the pregnant woman may, upon
- 13 the pregnant woman's request, view the fetal ultrasound imaging and
- 14 hear the auscultation of the fetal heart tone if the fetal heart tone is
- 15 audible.

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SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Mrvan be added as third author of Senate Bill 135.

MILLER

 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 135, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-69.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 69.2. "Contraception", for purposes of IC 16-34, means the use of a drug or device that has been approved to prevent pregnancy by the federal Food and Drug Administration.**

SECTION 2. IC 16-34-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. Contraception is not subject to or governed by this article."**

Page 2, line 16, delete "the fetus might feel pain." and insert "**there are differing medical opinions concerning when a fetus feels pain.**".

Page 2, line 33, delete "in" and insert "**in:**

(i)".

Page 2, line 34, delete "after." and insert "**after; and**

(ii) completing a pregnancy."

Page 2, line 35, delete "human physical life begins when a human ovum" and insert "**an embryo formed by the fertilization of a human ovum by a human sperm immediately begins to divide and grow as human physical life.**".

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Page 2, delete line 36.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 135 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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